

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

JESUS CONCEPCION,

Defendant.

No. 21-CR-479 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

The Court has reviewed Defendant's third request to adjourn the trial date and the Government's opposition to the Defendant's request. (Dkt. nos. 72 and 73.) Defendant predicates his request for an adjournment on: 1) the filing of a superseding indictment alleging an additional complaining witness and additional counts; 2) a delay in Defendant's receipt of discovery while at MDC; 3) a lack of gamesmanship in Defendant's adjournment request and the time cost that plea negotiations imposed upon Defendant's trial preparation; and 4) Defendant's assertion that the requested adjournment is not a "massive deviation from the schedule." (Dkt. no. 72.)

To the first point, Defendant had notice that additional charges were likely to be filed in advance of trial and has been receiving discovery related to the new counts since 2021. Thus, the filing of the superseding indictment does not create a need to adjourn the trial date. The Court considered and rejected

Defendant's remaining points in the Court's ruling on Defendant's second request for an adjournment. The Court will not revisit those arguments here.

For the foregoing reasons, Defendant's request to adjourn the trial date is DENIED. The Clerk of the Court is ordered to close the open motion. (Dkt. no. 72.)

SO ORDERED.

Dated: March 17, 2023
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge